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OFFICE OF PETITIONS

ON PETITION

In re Application of :
James F. Pitzen, et al. :
Application No. 09/954,526 :
Filed: March 5, 2001 :
Attorney Docket No. 54525.000055 :

This is in response to the petition under 37 CFR 1.183(a), filed December 6, 2004 seeking waiver of 37 CFR §§ 1.67 and 1.175 where it requires that a supplemental declaration be executed by a named inventor.

The petition is **GRANTED**.

REVIEW OF FACTS

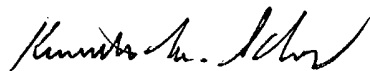
1. On March 5, 2001, the application was filed as an application for reissue of U. S. Patent No. 5,792,573.
2. A petition for status under 37 CFR § 1.47(b) was filed on January 4, 2002 and granted on April 16, 2002.
2. On June 17, 2004, a final Office action was mailed to applicants requesting an additional oath or declaration, setting a three (3) month shortened statutory period for reply.
3. On August 25, 2004, applicant responded to the final Office action by filing an amendment.
4. On December 6, 2004, the present petition was filed whereby petitioner requests that the Supplemental Declaration filed concurrently with the petition, be accepted without the signatures of all of the joint inventors, since a petition under 37 CFR 1.47(b) had been granted previously in this application.

DECISION ON PETITION UNDER 37CFR 1.183 TO WAIVE §§ 1.67 AND 1.175

In view of the efforts recounted in the original petition under 37 CFR 1.47(b) and the decision granting Rule 47 status, it is agreed that the non-signing inventors would be unavailable for signing the supplemental declaration. Accordingly, justice would be served by waiving the requirement for the signatures of the joint inventors on the supplemental declaration filed with the present petition, and the petition is granted.

The application file is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries regarding this decision only should be directed to Marianne Jenkins at (571) 272-3223.



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for Patent Examination Policy